

THE HONORABLE KYMBERLY K. EVANSON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAVIER TAPIA,

Plaintiff,

v.

NAPHCARE, INC., and PIERCE COUNTY,

Defendants.

No. 2:22-cv-01141

**STIPULATED MOTION AND
ORDER TO AMEND THE CASE
SCHEDULE**

Pursuant to Federal Rule of Civil Procedure 16(b)(4) and Local Civil Rule 16(b)(6), all parties in this action jointly move the Court for entry of an order extending the remaining case deadlines. The parties believe that there is good cause to extend the trial date, and related pretrial deadlines, as the proposed schedule will ensure efficiency and conserve judicial resources.

“The decision to modify a scheduling order is within the broad discretion of the district court,” and the Court may do so on a showing of good cause. *White v. Ethicon, Inc.*, No. 20-952, 2022 WL 596407, at *1 (W.D. Wash. Feb. 28, 2022); Fed. R. Civ. P. 16(b)(4); *see also* LCR 16(b)(6). The good cause standard “primarily considers the diligence of the party seeking amendment.” *Ginzkey v. Nat’l Sec. Corp.*, No. 18-1773, 2022 WL 1110976, at *1 (W.D. Wash. Mar. 10, 2022) (quoting *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir.

1 1992)). Good cause exists where the “schedule . . . cannot reasonably be met despite the diligence
2 of the parties seeking the extension.” *Johnson*, 975 F.2d at 609 (citing Fed. R. Civ. P. 16 advisory
3 committee’s notes (1983 amendment)). The rule is intended to “accomplish effective pretrial
4 procedures and to avoid wasting the time of the parties, counsel, and the court.” LCR 16(b)(4).

5 The Court’s Scheduling Order does not explicitly set forth deadlines for expert discovery
6 and *Daubert* motions. Dkt. No. 50 at 1. Good cause exists to extend the deadlines for dispositive
7 motions and other pretrial deadlines as the parties’ ability to prepare motions for summary
8 judgment, necessarily depends on the parties’ ability to develop a complete factual record and
9 assess the adequacy of the expert testimony. Accordingly, the extension will “accomplish effective
10 pretrial procedures,” and ensure the efficiency of trial, which will, in turn, “avoid wasting the time
11 of the parties, counsel, and the court.” LCR 16(b)(4).

12 Further, Defendants NaphCare and Pierce County believe good cause exists to sequence
13 *Daubert* motions and motions for summary judgment so that the Court can determine what expert
14 opinions are admissible before the parties submit dispositive motions, which will rely heavily on
15 expert opinions. Should the current schedule not provide the Court time to resolve the *Daubert*
16 motions in advance of the deadline to file motions for summary judgment, Defendants reserve
17 their right to request a further extension of the deadline to file motions for summary judgment.
18 Plaintiff does not believe such sequencing is necessary or beneficial.

19 Good cause, therefore, exists to extend the deadlines for dispositive motions, and extend
20 the remaining case deadlines as follows:
21
22
23
24
25
26

	Current Date	Proposed New Date
Deadline for Expert Disclosures and Reports		March 15, 2024
Deadline for Rebuttal Expert Disclosures and Reports		April 15, 2024
Discovery Cut-Off	March 15, 2024	May 15, 2024
Deadline to File <i>Daubert</i> Motions	April 15, 2024	June 10, 2024
Mediation to be Completed	April 1, 2024	July 1, 2024
Deadline to File Motions for Summary Judgment	April 15, 2024	September 16, 2024
Motions in Limine	July 5, 2024	November 29, 2024
Pretrial Order	July 5, 2024	November 29, 2024
Proposed Verdict Forms, Voir Dire, and Jury Instructions	July 8, 2024	December 2, 2024
Trial Briefs	July 11, 2024	December 5, 2024
Jury Trial	July 15, 2024	December 9, 2024

1 DATED October 25, 2023

s/ David. A. Perez

David A. Perez, WSBA No. 43959
Juliana Bennington, WSBA No. 60357
Jedidiah K.R. Blake, WSBA No. 59610
Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Telephone: 206.359.8000
Facsimile: 206.359.9000
E-mail: Dperez@perkinscoie.com
JBennington@perkinscoie.com
JBlake@perkinscoie.com

Jacob Dean (*Admitted Pro Hac Vice*)
Perkins Coie LLP
1888 Century Park East, Suite 1700
Los Angeles, CA 90067-1721
Telephone: 310.788.3365
Facsimile: 310.788.3365
E-mail: JacobDean@perkinscoie.com

Attorneys for Defendant NaphCare, Inc.

s/ Kristal M. Cowger

Kristal M. Cowger, WSBA # 43079
Pierce County Prosecuting Attorney
930 Tacoma Avenue South, Suite 946
Tacoma, WA 98402-2102
Telephone: 253.798.4265
Email: kristal.cowger@piercecountywa.gov

Attorney for Defendant Pierce County

s/ Ryan Dreveskracht

Ryan Dreveskracht, WSBA No. 42593
Corinne Sebren, WSBA No. 58777
Galanda Broadman, PLLC
8606 35th Avenue NE, Ste. L1
P. O. Box 15146
Seattle, WA 98115
Telephone: 206.909.3842
Facsimile: 206.299.7690
E-mail: ryan@galandabroadman.com
E-mail: corinne@galandabroadman.com

Attorneys for Plaintiff

ORDER

IT IS SO ORDERED.

Dated this 26th day of October, 2023



Kymberly K. Evanson
United States District Judge

Presented by:

s/ David. A. Perez

David A. Perez, WSBA No. 43959
Juliana Bennington, WSBA No. 60357
Jedidiah K.R. Blake, WSBA No. 59610
Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Telephone: 206.359.8000
Facsimile: 206.359.9000
E-mail: Dperez@perkinscoie.com
JBennington@perkinscoie.com
JBlake@perkinscoie.com

Jacob Dean (*Admitted Pro Hac Vice*)
Perkins Coie LLP
1888 Century Park East, Suite 1700
Los Angeles, CA 90067-1721
Telephone: 310.788.3365
Facsimile: 310.788.3365
Email: JacobDean@perkinscoie.com

Attorneys for Defendant NaphCare, Inc.

s/ Kristal M. Cowger

Kristal M. Cowger, WSBA # 43079
Pierce County Prosecuting Attorney
930 Tacoma Avenue South, Suite 946
Tacoma, WA 98402-2102
Telephone: 253.798.4265
Email: kristal.cowger@piercecountywa.gov

Attorney for Defendant Pierce County

1
2 s/ Ryan Dreveskracht
3 Ryan Dreveskracht, WSBA No. 42593
4 Corinne Sebren, WSBA No. 58777
5 **Galanda Broadman, PLLC**
6 8606 35th Avenue NE, Ste. L1
7 P. O. Box 15146
8 Seattle, WA 98115
9 Telephone: 206.909.3842
10 Facsimile: 206.299.7690
11 E-mail: ryan@galandabroadman.com
12 E-mail: corinne@galandabroadman.com
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Attorneys for Plaintiff